

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

DENA L. OLSON,)
STANTON L. OLSON,)
)
Plaintiff(s),)
)
vs.) Case No. 4:06CV01061 ERW
)
GLOBAL EXPRESS TRANS, LLC,)
et al.,)
)
Defendant(s).)

MEMORANDUM AND ORDER

This matter comes before the Court on Motion to Substitute Party [doc. #3] by Defendant Harms; Motion to Dismiss Without Prejudice and to Remand Case to State Court [doc. #10] by Plaintiffs; and Renewed Motion to Dismiss With Prejudice and Substitute Party [doc. #12] by Defendant Harms.

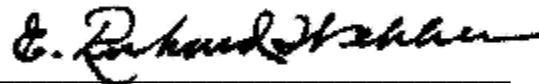
On August 15, 2006, counsel for all parties appeared before this Court on Motion to Substitute Party by Defendant Harms. After arguments of counsel, the Court permitted the parties to engage in limited discovery regarding the scope of Defendant Harm's employment. After preliminary discovery, Plaintiffs concede that Defendant Frederick P. Harms was acting within the course and scope of his employment at the time of the vehicular accident referenced in Plaintiffs' Petition and under such circumstances the Government's Motion to Substitute the United States as a party defendant in lieu of individual Defendant Frederick P. Harms appears to be meritorious. Plaintiff further states that upon substitution of the United States as a party in this matter, the Plaintiffs do not wish to pursue a claim against the United States Government. Plaintiffs have further indicated their preference to litigate this matter in the Circuit Court of the State of Missouri.

IT IS HEREBY ORDERED that Motion to Substitute Party [doc. #3] is **GRANTED**.

Renewed Motion to Dismiss With Prejudice and Substitute Party [doc. #12] is **GRANTED**. The United States of America shall be substituted as the proper party defendant in place of Defendant Frederick P. Harms. All claims against Defendant Harms are dismissed with prejudice.

IT IS FURTHER ORDERED that Motion to Dismiss Without Prejudice and to Remand to State Court [doc. #10] is **GRANTED**. All claims against properly substituted party Defendant United States of America are dismissed without prejudice. This cause of action against remaining Defendants Global Express Trans, LLC, and Fikru Wodajo is **REMANDED** to the Circuit Court of St. Louis County for all further proceedings.

So Ordered this 20th Day of February, 2007.



E. RICHARD WEBBER
UNITED STATES DISTRICT COURT